IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12099 of 2004

Between:

M. Balachandrudu S/o Balaiah
F.P. Shop No. 40, R/o 39/316, Park Road, Kurnool, Kurnool District

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District
2 The Assistant Supply Officer, C-Camp Centre, Near Rytu Bazaar, Nandyala Road, Kurnool
Kurnool District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of theRespondents in not allotting the quota of kerosene Oil of petty vendors of Kurnool Town and Kallur Urban area with effect from July, 2004 in pursuance of the orders issued by the 1st Respondent in RC. CS. 3/425/2003 dt 23-1-2004, as illegal arbitrary and gross violation of principles of natural justice

Counsel for the Petitioner:MR.K.V.RAGHU VEER

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.12099 OF 2004

ORDER:

The petitioner is a fair price shop dealer in respect of Shop No.40 of Kurnool Town. It is stated that on a representation made by him requesting to attach the petty vendors kerosene quota to his shop, the Joint Collector, Kurnool by proceedings dated 23.1.2004 ordered that all the petty vendors' cards for the Kurnool and Kallur urban area be attached to the petitioner's shop for distribution of kerosene oil. The petitioner states that in pursuance of the said proceedings he has been drawing the kerosene for distribution to the petty vendors every month. However, on 10.7.2004 when he approached the second respondent-Assistant Supply Officer by remitting a sum of Rs.80,000/- and requested to release the quota of kerosene for distribution to the petty vendors, the same was not released to him. In spite of requests made by the petitioner, the respondents did not give any reasons for discontinuing the supplies to him. Hence, this writ petition.

The learned counsel for the petitioner contends that the proceedings dated 23.1.2004 have not been cancelled and therefore, the respondents are not justified in discontinuing the supplies to the petitioner.

As can be seen from the proceedings dated 23.1.2004, the Joint Collector having considered the representation of the petitioner passed an order that the cards of all the petty vendors in Kurnool and Kallur urban area shall be attached to the petitioner's shop. The learned Government Pleader appearing for the respondents

submits that the allotment of additional cards to the petitioner is only on temporary basis and it is always open to the respondents to discontinue the same on administrative grounds. Even assuming that the additional cards were attached only on temporary basis, I am of the view that the respondents are bound to pass an order assigning the reasons for discontinuing the additional supplies to the petitioner. Even according to the learned Government Pleader, no such order has been passed so far.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the respondents to communicate the reasons, if any, for discontinuing the additional supplies allotted to the petitioner under proceedings dated 23-01-2004 within a period of one week from the date of receipt of a copy of this order. It is needless to mention that if the petitioner is aggrieved by such order, it is open to him to challenge the same.

Writ petition is accordingly disposed of. No costs.

02.8.2004.

Note:

Issue c.c.in two days.

B/o.

mdaa/pan

Copy to

1 The Joint Collector, Kurnool, Kurnool District
2 The Assistant Supply Officer, C-Camp Centre, Near Rytu Bazaar, Nandyala Road, Kurnool
Kurnool District

3. 2 Copies to the Govt.Pleader for Civil Supplies, High Court Building, Hyderabad.

4. Two C.D.Copies.